

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

County of Los Angeles,

Complainant,

vs.

Union Pacific Railroad Company,

Defendant.

Case 03-08-030  
(Filed August 15, 2003)

**ADMINISTRATIVE LAW JUDGE'S RULING  
ON RESULTS OF PREHEARING CONFERENCE  
AND SETTING EVIDENTIARY HEARING**

On January 20, 2004, a telephonic prehearing conference (PHC) was held in the above matter. Participating for complainant, the County of Los Angeles (County), were James Bagnell, Daryll Chenoweth, and Greg Jaquez from the County's Department of Public Works and Mark Yanai, Deputy County Counsel. Participating for the defendant, Union Pacific Railroad Company (UP), were Carol Harris, General Commerce Counsel, and Tony Galinas, Manager Vegetation Control. No other parties participated. The complaint involves keeping identified property along the UP right-of-way clean and clear of debris, vegetation and possible hazardous materials.

During the PHC, both parties advised they have been working together to informally resolve the complaint. As directed in the Administrative Law Judge ruling of November 20, 2003, the parties filed a joint report on January 9, 2004, outlining their activities to date. Both parties agreed UP made substantial

progress in cleaning the area, and Mr. Bagnell advised that UP is cooperating with the County. Ms. Harris advised that UP is attempting to sell a piece of the property and that the new owner is working aggressively to keep the site clean. Mr. Jaquez inquired of any pre-sale conditions and related concerns. Ms. Harris advised more information on the escrow status and other details would be known in 30-60 days. The parties are encouraged, as they agreed, to continue working on a possible settlement or resolution to this case.

At the PHC, UP was directed to submit a report on the status of the property sale and related issues by March 5, 2004. The County and UP were directed to review and discuss the matter further and submit a joint report on the status of the complaint by March 19, 2004. Parties were advised an evidentiary hearing would be scheduled for mid-April 2004, if the matter is not resolved by March 19. If a hearing is necessary, parties were advised that written prepared testimony would be served concurrently ten days prior to the hearing, pursuant to Rule 68 of the Commission's Rules of Practice and Procedure.

**IT IS RULED** that:

1. Union Pacific Railroad Company (UP) is directed to prepare and submit a report to the service list on the status of the sale of identified real property subject to this complaint, and other related issues, by March 5, 2004.
2. UP and the County of Los Angeles are directed to submit a joint report to the service list on the status of this complaint by March 19, 2004.

3. An evidentiary hearing in this matter is scheduled for April 21, 2004, with written prepared testimony served concurrently on the service list by April 9, 2004, pursuant to the Commission's Rules of Practice and Procedure

Dated February 5, 2004, at San Francisco, California.

/s/ KENNETH L. KOSS

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Kenneth L. Koss  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Results of Prehearing Conference and Setting Evidentiary Hearing on all parties of record in this proceeding or their attorneys of record.

Dated February 5, 2005, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the event.